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Attorneys for Defendant
CHARTWELL STAFFING SERVICES, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DEMETRIC DI-AZ, OWEN DIAZ, and) CASE NO. 3:17-cv-06748
LAMAR PATTERSON)

Plaintiffs, } **JOINT STIPULATION FOR
BINDING ARBITRATION AND
STAY OF CLAIMS**

TESLA INC. dba TESLA MOTORS,
INC.; CITISTAFF SOLUTIONS, INC.;
WEST VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES,
INC. and DOES 1-10 } Complaint filed: October 16, 2017

Defendants.

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Lamar Patterson (“Patterson”) and Defendants Tesla Inc., dba Tesla Motors, Inc., and Chartwell Staffing Services, Inc. as follows:

WHEREAS, Plaintiffs filed a complaint in this matter on October 16, 2017 (“Complaint”) within the Superior Court of the State of California, County of Alameda alleging the following eleven causes of action, all of which he contends arose out of his employment: (1) Race Discrimination, harassment, retaliation, failure to prevent discrimination and harassment, constructive and wrongful termination (42 U.S.C. section 1981) (against Tesla and Chartwell); (2) Race

1 Discrimination (Unruh Civil Rights Act) (against Tesla); (3) Interference with
2 Constitutional Rights (Bane Act) (against Tesla and Chartwell); (4) Racial
3 Harassment (FEHA) (against Tesla and Chartwell); (5) Race Discrimination
4 (FEHA) (against Tesla and Chartwell); (6) Retaliation (FEHA) (against Tesla and
5 Chartwell); (7) Failure to Prevent Discrimination and Harassment (FEHA) (against
6 Tesla and Chartwell); (8) Negligent Infliction of Emotional Distress (against Tesla
7 and Chartwell); (9) Intentional Infliction of Emotional Distress (against Tesla and
8 Chartwell); (10) Negligent Hiring Retention and Supervision (against Tesla and
9 Chartwell); and (11) Constructive Discharge in violation of public policy (against
10 Tesla and Chartwell);

11 **WHEREAS**, Defendant Tesla, Inc. dba Tesla Motors, Inc. answered and
12 removed the case from the Superior Court of California, County of Alameda to the
13 United States District Court, Northern District of California;

14 **WHEREAS**, Defendant Chartwell Staffing Services, Inc. filed a Motion to
15 Compel Arbitration on January 16, 2018 with a hearing set for February 21, 2018.

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17 **IT IS HEREBY STIPULATED AND AGREED** as follows:

- 18
19 1) The parties stipulate to submit all of Patterson's claims to final and
20 binding arbitration before JAMS pursuant to the terms in the Chartwell
21 Staffing Services, Inc. Arbitration Agreement;
22
23 2) The parties agree to arbitrate this matter through JAMS in San Francisco,
24 California; rather than in Orange County, California, as stated in the
25 Chartwell Staffing Services, Inc. Arbitration Agreement.
26
27 3) The parties agree that the arbitrator would have the power to decide to
28 award Plaintiff with any statutory remedies available to him under
applicable law, including attorney fees and costs, and that such a right
would not be limited in any way by the Chartwell Staffing Services, Inc.

1 Arbitration Agreement provision stating that, "Parties shall each bear
2 their own costs...and fees...". By making this stipulation, Defendants do
3 not intend to and do not alter or revoke the class, collective or
4 representative action waiver contained in the Chartwell Staffing Services,
5 Inc. Arbitration Agreement.

- 6 4) The parties further stipulate that the United States District Court,
7 Northern District of California, shall retain jurisdiction of this matter and
8 that all deadlines, hearings and court proceedings as to Mr. Patterson
9 shall be stayed pending a completed arbitration.

10
11 Dated: February 6, 2018

CALIFORNIA CIVIL RIGHTS LAW
GROUP

12
13
14 By: /s/ Navruz Avloni
15 Lawrence Organ
16 Navruz Avloni
17 Attorneys for Plaintiffs,
DEMETRIC DI-AZ,
OWEN DIAZ and LAMAR
PATTERSON

18 Dated: February 6, 2018

GORDON & REES LLP

19
20 By: /s/ Megan Hayati
21 Roger M. Mansukhani
22 Craig Nickerson
23 Megan Hayati
Brittney R. Dobbins
24 Attorneys for Defendant,
CHARTWELL STAFFING
SERVICES, INC.

1 Dated: February 6, 2018

2 CONSTANGY, BROOKS, SMITH &
3 PROPHETE

4 By: /s/ Barbara I. Antonucci
5 Barbara I. Antonucci
6 Attorneys for Defendant
7 TESLA INC. dba TESLA
8 MOTORS, INC

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